

kind of surety bond. That has been the case for almost 100 years in this country. But because of an odd and old loophole, public-private infrastructure partnerships, or P3 projects, often do not maintain the same level of protection that has been required for public infrastructure projects over time. That can spell disaster for subcontractors, for workers, for taxpayers, and for the success of projects that are not so secure.

We know that contractor defaults can cause costly delays, waste taxpayer money, and leave residents and local stakeholders and project workers in the lurch. In fact, one developer defaulted on a P3 project in Indiana and left subcontractors without pay and left taxpayers on the hook for over \$300 million in additional project costs.

This amendment simply requires that P3 projects using TIFIA financing—that is Transportation Infrastructure Finance and Innovation Act financing—be secured with a surety bond. That way, in the event a contractor defaults, the protections by that bond ensure the completion of those projects. They protect taxpayers, and they ensure that workers and subcontractors and suppliers are paid for their work.

Not surprisingly, this effort is supported by a broad coalition of organizations, including the American Subcontractors Association, the National Association of Minority Contractors, and a wide range of other contractors, because it will ensure that they are paid for the work they do, and it will also protect taxpayers who otherwise are left in the lurch if a contractor goes belly up and we do not have the protection of this kind of surety bond. That is why this amendment has broad bipartisan support, and I urge its adoption.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2354

Mr. CARPER. Madam President, I rise in support of the amendment offered by my old friend, the Senator from Maryland—my neighbor, Senator VAN HOLLEN—and also my young friend, Senator ERNST, and maybe one or two others that I am not aware of.

The amendment offered by our colleagues requires public-private partnership projects that receive loans from USDOT to obtain something called surety bonds. Surety bonds are a proven tool for ensuring that a loan recipient has appropriate payment and performance protections in place.

By requiring these bonds, this amendment would protect workers, would protect suppliers, and guarantee that any subcontractors, suppliers, and

workers would receive the payment they deserve for their work on the project, even if the borrower were to default.

The legislation is based on bipartisan, bicameral legislation that is supported by a dozen organizations, including associations that represent the interests of minority-owned and woman-owned small businesses.

I urge my colleagues to support it.

I yield to my colleague, the ranking member of the EPW Committee. I just want to say how pleased I am with the progress we have made today. A lot of amendments were offered and considered. We had the opportunity to vote on them, accept some, some not accepted. But the spirit was good. There is a good spirit in here. And I think if most people around the country who think we never can work together and get anything done had a chance to see the way this place worked today, they would feel better about this democracy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I want to thank the sponsors of the Van Hollen-Rounds amendment, and I am in full support of this bipartisan amendment. As the chairman explained that public-private partnerships under TIFIA would be backed by the surety bond, which would mean that, in the event of a contractor default, the projects could still be completed, subcontractors and workers paid, and taxpayer investments protected. It sounds like a good commonsense amendment, and I am fully in support.

I would also like to say that the progress we had today is more than encouraging. We are all, I think, very excited about the prospects of what the improvements that this bill will make to our transportation and energy sectors and just the guts of our country in terms of the physical infrastructure.

With that, I yield the floor.

VOTE ON AMENDMENT NO. 2354

The PRESIDING OFFICER. There is no further debate.

The question is on agreeing to amendment No. 2354.

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. Kaine) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oklahoma (Mr. INHOFE).

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—97

Baldwin	Hagerty	Reed
Barrasso	Hassan	Risch
Bennet	Hawley	Romney
Blackburn	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Blunt	Hirono	Rubio
Booker	Hoeven	Sanders
Boozman	Hyde-Smith	Sasse
Braun	Johnson	Schatz
Brown	Kelly	Schumer
Burr	Kennedy	Scott (FL)
Cantwell	King	Scott (SC)
Capito	Klobuchar	Shaheen
Cardin	Lankford	Shelby
Carper	Leahy	Sinema
Casey	Lee	Smith
Cassidy	Lujan	Stabenow
Collins	Lummis	Sullivan
Coons	Manchin	Tester
Cornyn	Markey	Thune
Cortez Masto	Marshall	Tillis
Cotton	McConnell	Toomey
Cramer	Menendez	Tuberville
Crapo	Merkley	Van Hollen
Cruz	Moran	Warner
Daines	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Ernst	Ossoff	Wicker
Feinstein	Padilla	Wyden
Fischer	Paul	Young
Gillibrand	Peters	
Grassley	Portman	

NOT VOTING—3

Graham	Inhofe	Kaine
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The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

The amendment (No. 2354) was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote on the Johnson amendment No. 2245, scheduled for 11 a.m. tomorrow, occur at 12:15 p.m. tomorrow, August 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 250.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Eunice C. Lee, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. SCHUMER. I might parenthetically add, a great nominee from New York.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 250, Eunice C. Lee, of New York, to be United States Circuit Judge for the Second Circuit.

Charles E. Schumer, Tammy Duckworth, Christopher Murphy, Richard J. Durbin, Christopher A. Coons, Sheldon Whitehouse, Tim Kaine, Tammy Baldwin, Tina Smith, Elizabeth Warren, Martin Heinrich, Richard Blumenthal, Margaret Wood Hassan, Raphael Warnock, Kirsten E. Gillibrand, Jacky Rosen, Patrick J. Leahy.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, August 3, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, under the rule, this cloture vote on the nominee will occur 1 hour after convening on Thursday.

For the information of Senators, the process of confirming this nominee will in no way interfere with the Senate's continued consideration of additional amendments of the bipartisan infrastructure bill. We already have a vote on an amendment scheduled tomorrow and expect further votes as well.

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate consider the following nomination: Calendar No. 294.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stacey A. Dixon, of the District of Columbia, to be Principal Deputy Director of National Intelligence.

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table, all with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Dixon nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mrs. MURRAY. Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
HEALTH, EDUCATION, LABOR, AND
PENSIONS,

Washington, DC, August 3, 2021.

To the Secretary of the Senate:

PN572, the nomination of Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education, having been referred to the Committee on Health, Education, Labor, and Pensions, the Committee, with a quorum present, has voted on the nomination as follows—

On the question of reporting the nomination without recommendation, 11 ayes to 11 noes.

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the RECORD pursuant to the resolution.

PATTY MURRAY,
Chair.

75th ANNIVERSARY OF THE OFFICE OF NAVAL RESEARCH

Mr. REED. Madam President, on behalf of Senator INHOFE and myself, as the ranking member and chairman of the Senate Armed Services Committee, we rise to commemorate and celebrate the Office of Naval Research and its contributions to our Sea Services, national defense, and the advancement of scientific and technological discovery on the occasion of its 75th anniversary.

World War II underscored how science and technology could determine winners and losers on the battlefield. In the aftermath of the war, Congress established the Office of Naval Research on August 1, 1946, to "plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security."

Since then, the Office of Naval Research has been at the forefront of groundbreaking research that has resulted in lasting military supremacy not only on and in the seas, but also in the skies, on land, and in space. Its model of effective collaboration between military, government, academic,

and industry entities also paved the way for further technological advancement, recreated not only in the other military services but also through National Science Foundation and DARPA. Put simply, its impact is seen and felt not only in our Armed Forces, but in the lives of all Americans.

In its earliest days, the Office of Naval Research pioneered key fields of computing and directed energy. The office brought humans to the highest heights and the deepest depths, and its work led to some of the most consequential technological advancements of the 20th century, including: the laser; Project Whirlwind, one of the first digital computers; the first autonomous robot; and the atomic clock, which made precision satellite navigation possible. The invention of virtually every important sensor and undersea vehicle that has allowed us to explore and better understand our vast oceans is a result of the stewardship of the Office of Naval Research.

Moreover, nearly every platform used by the Navy and Marine Corps relies in some way on technology developed or advanced by the Office of Naval Research. From lifesaving medical advances such as QuikClot, to more lethal and effective ships and weapons, the Office of Naval Research has changed the way we fight and win wars. The Office of Naval Research will continue to shape the future as well; its programs are continuously advancing the fields of artificial intelligence, autonomous weaponry, networking, directed energy, warfighter performance, maritime awareness, and next-generation power.

We are proud to honor the achievements of the Office of Naval Research, and we hope the Members of the Senate will join us in recognizing the incredible innovation and scientific leadership this distinguished organization has provided not only to our sailors, marines, soldiers, airmen, and guardians, but also to the American people over the past 75 years.

REMEMBERING IAN F. FERGUSSON

Mr. CRAPO. Madam President I rise today to remember and honor Ian F. Fergusson, Specialist in International Trade and Finance in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service, CRS. Ian passed away on Thursday, June 17, after a brief serious illness that unfortunately struck at the height of a distinguished career of more than 20 years at CRS, serving Congress on international trade and economic policy issues.

Ian exemplified the very best of CRS during his years of direct support for Congress. He achieved a remarkable record of accomplishment through his many reports, confidential memoranda, committee prints, and confidential consultative work for Members and congressional staff. Ian played a vital role in Congress's consideration of important legislation, including on export